



Australian
Competition &
Consumer
Commission



Action Plan

RAP

ACCC/AER Reconciliation Action Plan for November 2016–December 2018

November 2016

This RAP will allow our organisation to focus on building relationships both internally and externally, and raise awareness with our stakeholders to ensure there is shared understanding and ownership of our RAP within our organisation.

Our vision for reconciliation

Our vision for reconciliation is a culture in the ACCC/AER that embraces unity between Aboriginal and Torres Strait Islander peoples and other Australians. We seek a culture that represents equality and equity, historical acceptance of our shared history, intolerance of negative race relations and overall to improved institutional integrity. Furthermore, our vision involves an ACCC/AER contribution, through our activities, roles and responsibilities, to closing gaps in employment and consumer protection between Aboriginal and Torres Strait Islander peoples and other Australians.

Our business

The Australian Competition and Consumer Commission (ACCC) is Australia's competition regulator and national consumer law champion whose role is to enforce the Competition and Consumer Act 2010 and a range of additional legislation. We promote competition and fair trading and regulate national infrastructure to make markets work for everyone. We help you understand your consumer rights when buying goods or services, including what to do if you are not happy. We help you understand your business rights and responsibilities under the Australian Consumer Law. We regulate industries where there is limited competition to protect and strengthen market processes. Working with all stakeholders, we strive to ensure compliance, transparency and fair outcomes.

The Australian Energy Regulator (AER) is Australia's national energy market regulator. The AER has an independent Board. The ACCC and AER share staffing, resources and facilities.

While specific functions vary according to the legislated responsibilities that underpin the ACCC and AER, the two bodies share many common objectives, both working to protect, strengthen and supplement competitive market processes. The ACCC makes decisions through formal meetings of its commissioners and the AER through its board.

We aim to work in partnership with Australia's Aboriginal and Torres Strait Islander peoples to develop business practices that overcome disadvantage and foster social and economic opportunities for Aboriginal and Torres Strait Islander peoples. We will achieve this through:

- our compliance and enforcement work focussed specifically on improving outcomes for Aboriginal and Torres Strait Islander peoples
- providing opportunities for employment for Aboriginal and Torres Strait Islander peoples; and
- raising cultural awareness internally.

The ACCC/AER has offices in all states and territories across Australia and has a dedicated Indigenous Outreach Officer based in Darwin.

At the start of 2016 the ACCC/AER employed 839 staff, 12 of which identified as Aboriginal and Torres Strait Islander.

We have several initiatives that are specifically aimed at protecting the consumer rights of Aboriginal and/or Torres Strait Islander peoples. In 2014 we launched the 'Your Rights Mob' Facebook campaign,

to help inform and empower Aboriginal and Torres Strait Islander consumers to stand up for their consumer rights.

The ACCC/AER's Aboriginal and Torres Strait Islander outreach work has also helped us to detect consumer law problems impacting Aboriginal and Torres Strait Islander peoples, including those in remote communities. These have included actions against Startel Communications (selling mobile phone plans), Austar (selling cable television services), Tiny Tots (selling photography services) and Titan (selling first aid kits and water coolers) in several Aboriginal and Torres Strait Islander communities.

Our RAP

Our RAP was developed to support our vision with input from staff across the ACCC/AER, mainly those in the Diversity Reference Group, specifically Indigenous Champions, but also those in a variety of business areas including those who work directly with Aboriginal and Torres Strait Islander communities. This is our second RAP, since then we have:

- reformed our internal Aboriginal and Torres Strait Islander steering group into the Reconciliation Action Plan (RAP) Working Group, with a largely refreshed membership
- introduced acknowledgement protocols to be used when opening significant events
- celebrated National Reconciliation Week and NAIDOC Week annually; and
- plaques have been placed in the foyer of ACCC/AER offices acknowledging the traditional owners of the land.

The actions and deliverables in this plan should be considered having regard to the diversity of Aboriginal and Torres Strait Islander cultures and backgrounds throughout Australia and the importance of reflecting on one size not fitting all. It should also be much more than individual actions at a point in time but a plan which infiltrates the culture of the ACCC/AER and which becomes built into our approach internally and externally. Finally, the plan will focus on working with Aboriginal and Torres Strait Islander peoples in order to seek to achieve outcomes with the most practical benefit.

Providing increased employment opportunities for Aboriginal and Torres Strait Islander peoples will contribute to reducing Aboriginal and Torres Strait Islander disadvantage as well as assisting the ACCC/AER to build relationships with Aboriginal and Torres Strait Islander communities. This will be addressed in this RAP through strategies such as participation in entry level graduate programs, secondments and internships. Creating employment opportunities for Aboriginal and Torres Strait Islander peoples assists to build further relationships as they then share the role of the ACCC/AER within their own communities.

Aboriginal and Torres Strait Islander peoples are an important part of the ACCC/AER's client base and the initiatives outlined in this RAP have the goal of raising awareness of ACCC/AER functions in Aboriginal and Torres Strait Islander communities to improve their consumer experience by providing appropriate and relevant services.

Our RAP is championed by the Executive General Manager (EGM) Consumer Enforcement. Our RAP Working Group (RWG) is comprised of ACCC/AER staff, including members with Aboriginal and Torres Strait Islander background:

- Executive General Manager (EGM) Consumer Enforcement (RAP Champion)
- Regional Director, Northern Territory
- Regional Director, Townsville
- Indigenous Outreach Manager
- Senior Investigator, Enforcement (APS 6)
- Assistant Director, Agriculture, Enforcement and Engagement Unit
- Investigator, Enforcement (APS 5)
- Investigator, Enforcement (APS 4)
- Assistant Director, Australian Energy Regulator
- Investigator, Enforcement NSW and Serious Cartels (APS 5)
- Investigator, Australian Energy Regulator (APS 6)

- Senior Investigator, Enforcement (APS 6)
- Assistant Director, Workplace Relations

We will be inviting a member of the Aboriginal and Torres Strait Islander community to become an external member of the RWG.

Through the actions in our RAP, the ACCC/AER hopes to be better informed about, and able to respond to, consumer protection issues of concern to Aboriginal and Torres Strait Islander consumers, and secondly, to contribute to a greater level of consumer literacy among Aboriginal and Torres Strait Islander consumers.

The ACCC/AER has several memberships/partnerships to assist with Aboriginal and Torres Strait Islander consumer strategies and employment:

- **Indigenous Consumer Assistance Network (ICAN)**—as a valued member of the ACCC/AER's Consumer Consultative Committee—ICAN is a member of the ACCC's Consumer Consultative Committee and a valued partner in identifying relevant consumer protection matters impacting Indigenous consumers and an ally in delivering messages to consumers and assisting with enforcement and compliance activities.
- **National Indigenous Consumer Strategy reference group**—NICS is a reference group comprising relevant state and territory regulators in which joint issues and activities relating to consumer protection issues impacting Indigenous consumers are discussed and progressed.
- **Indigenous Australian Graduate Development Program (IAGDP)**—The Indigenous Australian Government Development Programme (IAGDP) is an entry-level employment and development programme for Australian Aboriginal and Torres Strait Islander people who are interested in working in the Australian Public Service (APS). We have engaged several participants from IAGDP in the ACCC/AER.
- **Legal Aid Services and Aboriginal Legal Services**— Legal Aid Services and Aboriginal Legal Services are front line agencies providing legal services. Their referral and assistance with matters they identify are important to our intelligence and subsequent compliance and enforcement activities.
- **Financial Counsellors and Money Management Workers**—Financial Counsellors and Money Management Workers are front line agencies providing financial advice. Their referral and assistance with matters they identify are important to our intelligence and subsequent compliance and enforcement activities.
- **Australian Securities and Investment Commission (ASIC)**—ASIC is a key partner to our activities in relation to Indigenous consumer protection activities given their complementary and overlapping responsibilities in relation to financial services and including matters such as consumer credit, insurance including funeral insurance, issues in relation to 'book-up' to mention just a few.
- **Fair Trading Agencies**—Fair Trading Agencies are key partners in the one law multi-regulator model in which compliance with the Australian Consumer Law is delivered.
- **CareerTrackers**—CareerTrackers is a national non-profit organisation that creates internship opportunities for Indigenous university students. We engaged our first intern through CareerTrackers in 2015.

Relationships

Building strong relationships between Aboriginal and Torres Strait Islander peoples and other Australians is important to the ACCC/AER and its core business activities because it underwrites effective delivery of our obligations under the Competition and Consumer Act and is core to our commitment to the principles of reconciliation.

Our goal is to develop mutually beneficial relationships with Aboriginal and Torres Strait Islander peoples by building a culturally diverse workforce, raising awareness and informing our employees of the unique cultures and histories of Aboriginal and Torres Strait Islander peoples in this country, including both positive and negative impacts. Through this process, the ACCC/AER also hopes to be better able to respond to the needs of Aboriginal and Torres Strait Islander consumers as part of its core business.

Action	Deliverable	Timeline	Responsibility
1. Continue the RAP Working Group (RWG) to actively monitor RAP development, including implementation of actions, tracking progress and reporting.	<ul style="list-style-type: none"> Establish Terms of Reference for the RWG RWG oversees the development, endorsement and launch of the RAP. Meet at least twice per year to monitor and report on RAP implementation. Ensure Aboriginal and Torres Strait Islander peoples are represented on the RWG. 	March, June and September annually	<ul style="list-style-type: none"> EGM Consumer Enforcement RAP Working Group
2. Develop and maintain mutually beneficial relationships with Aboriginal and Torres Strait Islander peoples, communities and organisations to support positive outcomes.	<ul style="list-style-type: none"> ACCC/AER will identify key Aboriginal and Torres Strait Islander stakeholders within our sphere of influence to assist us. Relationships with at least Indigenous Consumer Assistance Network (ICAN); Aboriginal and Torres Strait Islander legal services; and Financial Counsellors maintained and strengthened. Develop and implement an engagement plan to work with our Aboriginal and Torres Strait Islander stakeholders. Meet with local Aboriginal and Torres Strait Islander organisations to develop guiding principles for future engagement. 	June annually	<ul style="list-style-type: none"> EGM Consumer Enforcement RAP Working Group

<p>3. Celebrate National Reconciliation Week (NRW) by providing opportunities for Aboriginal and Torres Strait Islander employees and other employees to build relationships.</p>	<ul style="list-style-type: none"> • Organise at least one internal event for NRW each year. • Register our NRW event via Reconciliation Australia's NRW website. • Support an external NRW event. • Ensure our Working Group participates in an external event to recognise and celebrate NRW. 	<p>27th May- 3rd June annually</p>	<ul style="list-style-type: none"> • EGM Consumer Enforcement • RAP Working Group
<p>4. Raise internal and external awareness of our RAP to promote reconciliation across our business and sector.</p>	<ul style="list-style-type: none"> • A plan is developed and executed to raise awareness across the organisation about the RAP commitment, particularly with key internal stakeholders. • Information on our RAP commitment is provided to all relevant areas of our business to ensure they have an understanding of how their area can contribute to our RAP. • Develop and implement an engagement plan to work with our Aboriginal and Torres Strait Islander stakeholders. • Meet with local Aboriginal and Torres Strait Islander organisations to develop guiding principles for future engagement. • Promote reconciliation through ongoing active engagement with all stakeholders. 	<p>November 2016</p>	<ul style="list-style-type: none"> • EGM Consumer Enforcement • RAP Working Group
<p>5. Explore opportunities to support Reconciliation Australia.</p>	<ul style="list-style-type: none"> • Establish and maintain links and scheduled discussions with Reconciliation Australia to keep up to date with developments in relation to reconciliation, recognition and any activities or adjustments that might be appropriate in relation to this RAP. 	<p>May and November annually</p>	<ul style="list-style-type: none"> • EGM Consumer Enforcement

Respect

Building respectful relationships and developing knowledge of Aboriginal and Torres Strait Islander histories and cultures allows us to better meet their needs as both consumers and employees. Building a respectful culture within the ACCC/AER makes us a desirable place to work for current and prospective Aboriginal and Torres Strait Islander employees, working towards minimising the employment gap. Respect for Aboriginal and Torres Strait Islander cultures within the organisation is also a step closer to building this respect within the broader Australian community.

Action	Deliverable	Timeline	Responsibility
1. Raise internal understanding of Aboriginal and Torres Strait Islander cultural protocols and use cultural protocols at appropriate internal and external meetings.	<ul style="list-style-type: none"> Develop, implement and communicate a cultural protocol document for Welcome to Country and Acknowledgement of Country. Include Acknowledgement of Country at the commencement of important internal and external meetings. Develop a list of key contacts for organising a Welcome to Country and maintaining respectful partnerships. Invite a Traditional Owner to provide a Welcome to Country at least one significant event. 	November 2016	<ul style="list-style-type: none"> EGM Consumer Enforcement RAP Working Group
2. Engage employees in cultural learning opportunities to increase understanding and appreciation of Aboriginal and Torres Strait Islander cultures, histories and achievements.	<ul style="list-style-type: none"> Develop and implement a cultural awareness training strategy for our staff which defines cultural learning needs of employees in all areas of our business and considers various ways cultural learning can be provided (such as online, face to face workshops or cultural immersion). Investigate opportunities to work with local Traditional Owners and/or Aboriginal and Torres Strait Islander consultants to develop cultural awareness training. Provide opportunities for RWG members, RAP champions, HR managers and other key leadership staff to participate in cultural training. 	July 2017	<ul style="list-style-type: none"> EGM Consumer Enforcement RAP Working Group

<p>3. Celebrate NAIDOC Week.</p>	<ul style="list-style-type: none"> • Organise at least one internal event for NAIDOC Week each year, such as guest speakers to present to the organisation. • Review HR policies and procedures to ensure there are no barriers to staff participating in NAIDOC Week. • Support an external NAIDOC Week community event. • Provide opportunities for all Aboriginal and Torres Strait Islander staff to participate with their cultures and communities during NAIDOC Week. 	<p>1st Sunday–2nd Sunday in July annually</p>	<ul style="list-style-type: none"> • EGM Consumer Enforcement People and Culture Branch • RAP Working Group
<p>4. Capture and use other opportunities to demonstrate our commitment to reconciliation.</p>	<ul style="list-style-type: none"> • Take regular opportunities to communicate within the organisation our commitment to reconciliation including articles, all staff emails, lunch time seminars on topics such as: <ul style="list-style-type: none"> - close the gap day/report; - feedback from participation in secondments including JAWUN; - enforcement and compliance outcomes in Indigenous Consumer protection matters. <p>At least one further communication beyond NAIDOC and Reconciliation Week every six months.</p>	<p>By July and December annually.</p>	<ul style="list-style-type: none"> • EGM Consumer Enforcement People and Culture Branch • RAP Working Group

Opportunities

This RAP commits the ACCC to increasing the number of Aboriginal and Torres Strait Islander employees. Providing increased employment opportunities for Aboriginal and Torres Strait Islander peoples will assist in addressing disadvantage as well as helping the ACCC to build relationships with Aboriginal and Torres Strait Islander communities. This RAP provides a framework to meet these goals and help to ensure that the knowledge, skills, attributes and perspectives that Aboriginal and Torres Strait Islander peoples bring to the organisation are respected and valued.

Action	Deliverable	Timeline	Responsibility
1. Increase Aboriginal and Torres Strait Islander employment.	<ul style="list-style-type: none"> In line with APSC benchmarks, we seek to have 3% of employees self-identified as having Aboriginal and/or Torres Strait Islander backgrounds by the end of 2018. 	December 2018	<ul style="list-style-type: none"> EGM Consumer Enforcement GM People and Culture Branch RAP Working Group
	<ul style="list-style-type: none"> Actively promote ACCC/AER employment through Commonwealth public service employment programs such as IAGDP and the Indigenous Graduate Program. Seek 2-4 placements annually across the IAGDP and APSC Pathways Graduate Programs from 2016 to 2018. 	November annually (IAGDP) February annually (Pathways)	
	<ul style="list-style-type: none"> Support, train and develop Aboriginal and Torres Strait Islander employees. Measures to be implemented include: <ol style="list-style-type: none"> Establishing a 'buddy' arrangement for new Aboriginal and Torres Strait Islander employees. Establishing at least one partnership with a larger agency to leverage off training and networking opportunities for Aboriginal and Torres Strait Islander employees. Engaging with and participate in at least one student mentoring program. Seeking to have at least one placement in intern and work experience programs. 	February 2017	

	<ul style="list-style-type: none"> Engage with existing Aboriginal and Torres Strait Islander staff to consult on employment strategies, including professional development. Advertise vacancies in Aboriginal and Torres Strait Islander media. Collect information on our current Aboriginal and Torres Strait Islander staff to inform future employment opportunities. Review HR and recruitment procedures and policies to ensure there are no barriers to Aboriginal and Torres Strait Islander employees and future applicants participating in our workplace. 	June annually	
2. Actively consult with Aboriginal and Torres Strait Islander groups about relevant consumer and regulatory issues.	<ul style="list-style-type: none"> Encourage ongoing participation of the Indigenous Consumer Assistance Network (ICAN) as a valued member of the ACCC/AER's Consumer Consultative Committee and report to the Corporate Governance Committee annually. 	June annually	<ul style="list-style-type: none"> EGM Consumer Enforcement
	<ul style="list-style-type: none"> Establish and maintain relationships with an Aboriginal and Torres Strait Islander lawyers group and explore opportunities for secondments, contracts and or briefs with at least one such engagement in 2017. 	November 2016	
	<ul style="list-style-type: none"> Continue and expand bilateral and multilateral co-operation between ACCC/AER and ICAN, Legal Aid Services, Aboriginal Legal Services, Money Management Workers, Financial Counsellors, ASIC, Fair Trading Agencies and other key stakeholders who can assist the ACCC/AER to implement its Indigenous Consumer Strategy. 	June annually	

	<ul style="list-style-type: none"> • Undertake compliance and enforcement actions and activities under the oversight of the Indigenous Consumer Protection Project; including taking action where conduct has a particular impact on Aboriginal and Torres Strait Islander consumers. • Contribute to the achievement of compliance and enforcement outcomes by undertaking remote community visits and collaborating with partner organisations to deliver services to Aboriginal and Torres Strait Islander consumers: <ol style="list-style-type: none"> 1. at least 6 community visits in NT for 2016-18 2. at least 6 community visits in QLD for 2016-18 3. at least 3 community visits in WA;SA;NSW/ACT;VIC/TAS for 2016-18 • Expand previous local initiatives to more national ones (for example, the transition from the Tiwi Islands Facebook page to a national one). • Participate in initiatives of the National Indigenous Consumer Strategy reference group. • Establish relationship with at least one Aboriginal and Torres Strait Islander business representative organisation with plan for ongoing consultation. 	June annually	
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<p>3. Investigate opportunities to incorporate Aboriginal and Torres Strait Islander supplier diversity within our organisation</p>	<ul style="list-style-type: none"> • Explore and take opportunities to increase procurement from Aboriginal and Torres Strait Islander businesses. Commit to a review and business plan for committing to a target for procurement with Aboriginal and Torres Strait Islander businesses, for implementation from 2016-18. • Develop and communicate to staff a list of Aboriginal and Torres Strait Islander businesses that can be used to procure goods and services. • Develop one commercial relationship with an Aboriginal and/or Torres Strait Islander owned business. • Investigate Supply Nation membership. 	<p>June annually</p>	<ul style="list-style-type: none"> • Chief Financial Officer
<p>4. Undertake enforcement action to protect consumer rights of Aboriginal and Torres Strait Islander peoples</p>	<ul style="list-style-type: none"> • Continuously improve access to the ACCC/AER for Aboriginal and Torres Strait Islander consumers wishing to complain about contraventions of the Australian Consumer Law (ACL). • Identify and investigate allegations of contraventions of the ACL impacting on Aboriginal and Torres Strait Islander consumers. • Stop contravening conduct as quickly as possible. • Obtain refunds for affected consumers where possible. • Deter repetition of conduct by contravener and other industry players. • Publicise enforcement outcomes to mainstream and Aboriginal and Torres Strait Islander media. 	<p>June annually</p>	<ul style="list-style-type: none"> • EGM Consumer Enforcement

5. Provide staff and external Aboriginal and Torres Strait Islander candidates with opportunities to undertake work based exchanges.	<ul style="list-style-type: none"> Continue to support staff to participate in the Jawun program, aiming for at least one participant per year. 	June annually	<ul style="list-style-type: none"> EGM Consumer Enforcement RAP Working Group
	<ul style="list-style-type: none"> Establish at least one secondment per year out or in with one of the following agencies : <ul style="list-style-type: none"> ICAN, Legal Aid Services, Aboriginal Legal Services, Money Management Workers, Financial Counsellors, ASIC, Fair Trading Agencies or other key stakeholders who can assist the ACCC/AER to implement its Indigenous Consumer Strategy.. 	June annually	

Tracking progress and reporting

Action	Deliverable	Timeline	Responsibility
1. Report achievements, challenges and learnings to Reconciliation Australia for inclusion in the Annual Impact Measurement Report.	<ul style="list-style-type: none"> Complete and submit the RAP Impact Measurement Questionnaire to Reconciliation Australia annually. 	30 September annually	<ul style="list-style-type: none"> EGM Consumer Enforcement People and Culture Branch RAP Working Group
	<ul style="list-style-type: none"> Investigate participating in the RAP Barometer. 	Biennial	
2. Report RAP achievements, challenges and learnings internally and externally	<ul style="list-style-type: none"> Publically report our RAP achievements, challenges and learnings. 	October annually	<ul style="list-style-type: none"> EGM Consumer Enforcement People and Culture Branch RAP Working Group

<p>3. Our data collection is able to measure our progress and successes. This will include any available information concerning the ACCC/AER's achievements against the goals in this RAP, as well as staffing statistics etc.</p>	<ul style="list-style-type: none"> • Report annually in June to the Corporate Governance Board on progress against the RAP. 	<p>June annually</p>	<ul style="list-style-type: none"> • EGM Consumer Enforcement • People and Culture Branch • RAP Working Group
<p>4. Review, refresh and update RAP</p>	<ul style="list-style-type: none"> • Liaise with Reconciliation Australia to develop a new RAP based on learnings, challenges and achievements. • Send draft RAP to Reconciliation Australia for formal feedback and endorsement. 	<p>January 2018</p>	<ul style="list-style-type: none"> • EGM Consumer Enforcement • People and Culture Branch • RAP Working Group

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